

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MONICA JONES, an individual,

Plaintiff,

v.

CITY OF SEATTLE and SEATTLE CITY
LIGHT,

Defendants.

Case No. 2:22-cv-01668-RAJ

**ORDER GRANTING
PLAINTIFF'S MOTION TO
COMPEL INDEPENDENT
MEDICAL EXAMINATION**

I. INTRODUCTION

This matter comes before the Court on Defendants City of Seattle and Seattle City Light's ("Defendants") motion to compel an independent medical examination of Plaintiff Monica Jones ("Plaintiff" or "Ms. Jones"). Dkt. # 30. Plaintiff did not file a response, and Defendants filed a reply in support of their motion. Dkt. # 35. Defendants' motion is noted for March 15, 2024.

II. BACKGROUND AND ANALYSIS

Defendants seek an order pursuant to Federal Rule of Civil Procedure 35 compelling Plaintiff to submit to an independent medical examination to be conducted by Dr. Jennifer L. Piel, M.D., J.D., on March 27, 2024 at 8:00 a.m. According to

1 Defendants, Plaintiff (who seeks \$13 million in damages in connection with her claims)
2 has alleged severe emotional and physical stress in connection with her termination by
3 Seattle City Light. *See* Dkt. # 1 (Compl.) at 7-13 (Plaintiff seeks general damages, actual
4 damages under RCW 49.60, a money judgment for lost wages, back pay, and pension
5 rights, lost fringe benefits, punitive damages, pre- and post-judgment interest, and
6 attorney's fees and costs). Plaintiff has testified regarding her physical and mental
7 distress in connection with her termination, Dkt. # 32 (Declaration of Lauren Parris
8 Watts), Ex. A at 94:1-96:7, but has not provided documentation, such as medical records,
9 in support of her damages claims. Dkt. # 30 at 6.

10 The Civil Rules provide that the "court... may order a party whose mental or
11 physical condition...is in controversy to submit to a physical or mental examination by a
12 suitably licensed or certified examiner." Fed. R. Civ. P. 35(a). Upon a finding of good
13 cause, the court may specify the time, place, manner, conditions, and scope of the
14 examination, as well as the person who will perform it. *Id.*

15 Here, Plaintiff has placed her mental and physical state in controversy, as
16 evidenced by her Complaint and deposition testimony, and there is good cause for
17 Defendants' independent examination under Rule 35. Further, the Court notes that
18 Plaintiff has failed to respond or otherwise object to Defendants' request. Under Local
19 Civil Rule 7(d)(2), Plaintiff's response to the motion to compel was due on Monday
20 March 12, 2024. This District's Local Rules provide that "if a party fails to file papers in
21 opposition to a motion, such failure may be considered by the court as an admission that
22 the motion has merit." LCR 7(b)(2). Having considered Defendants' motion and the
23 remainder of the record, Defendants' Motion to Compel is **GRANTED**.

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It is ordered that Defendants' motion to compel an independent medical examination is **GRANTED**. Plaintiff Monica Jones shall appear and submit to an independent medical examination to be conducted by Dr. Jennifer L. Piel, M.D., J.D., on March 27, 2024 at 8:00 a.m. Plaintiff may take reasonable breaks, as needed. Defendants are ordered to inform Plaintiff of the location of the examination by March 22, 2024 at 5:00 p.m.

Richard A. Jones

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